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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/731,113	12/10/2003	Michael Krieger	32405-199591	4513
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VECTOR PRODUCTS, INC. ROBERT POWELL P.O. BOX 34385 c/o VENABLE LLP WASHINGTON, DC 20043-9998			EXAMINER NEGRON, ISMAEL	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 03/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b> 10/731,113	<b>Applicant(s)</b> KRIEGER, MICHAEL	
	<b>Examiner</b> Ismael Negron	<b>Art Unit</b> 2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 January 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 14, 16-22, 25 and 27-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 14, 16-22, 25 and 27-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)     | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

***Response to Amendment***

1. Applicant's amendment filed on January 11, 2006 has been entered. No claim has been amended. Claims 15, 23, 24 and 26 have been cancelled. No claim has been added. Claims 14, 16-22, 25 and 27-36 are still pending in this application, with claims 14 and 25 being independent.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 34 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 34 is indefinite as it is not clear on what housing is the second light source disposed on, as two different housings were previously claimed.

3. The Examiner respectfully suggests amending Claim 34 as follows:

The light source of claim 25, further comprising a second light source disposed on the **second** housing.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 25 and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by
5. WERNER discloses an illumination device having:
  - **a first housing (as recited in Claim 25)**, Figure 1, reference numbers 11, 14 and 75;
  - **the first housing defining a cavity (as recited in Claim 25)**;
  - **a rechargeable power supply (as recited in Claim 25)**, column 3, line 50;
  - **the power supply being disposed in the cavity (as recited in Claim 25)**, column 3, lines 50-55;
  - **a light source (as recited in Claim 25)**, Figure 1, reference number 16;
  - **the light source being selectively coupled to the power supply (as recited in Claim 25)**, inherent;
  - **an AC to DC adapter (as recited in Claim 25)**, Figure 1, reference numbers 80 and 81;
  - **the adapter including a second housing (as recited in Claim 25)**, Figure 1, reference number 81;

- **the second housing containing a converter circuitry (as recited in Claim 25), column 4, lines 56 and 57;**
- **the converter being arranged within the cavity such that the second housing is substantially enclosed by the first housing (as recited in Claim 25), as seen in Figure 1;**
- **the converter circuitry including a wall cube (as recited in Claim 27), as seen in Figure 1.**

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 14, and 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over WERNER (U.S. Pat. 2,628,339).

7. WERNER discloses an illumination device having:

- **a first housing (as recited in Claim 14), Figure 1, reference numbers 11, 14 and 75;**
- **a rechargeable power supply (as recited in Claim 14), column 3, line 50;**

- **the power supply being disposed in the first housing (as recited in Claim 14), column 3, lines 50-55;**
- **a light source (as recited in Claim 14), Figure 1, reference number 16;**
- **the light source being coupled to the power supply (as recited in Claim 14), inherent;**
- **an AC to DC converter (as recited in claims 14 and 25), Figure 1, reference numbers 80 and 81;**
- **a second housing (as recited in Claim 14), Figure 1, reference number 80;**
- **a third housing, Figure 1, reference number 81;**
- **the converter being disposed within the second and third housings, as seen in Figure 1;**
- **the converter including an AC connector (as recited in Claim 14), Figure 1, reference number 79;**
- **the AC connector being arranged for connection to an external power cord (as recited in Claim 14), as evidenced by Figure 2;**
- **the AC connector being arranged for delivering AC power to the converter for recharging the rechargeable power supply (as recited in Claim 14), column 5, lines 1-11;**
- **the second housing being substantially enclosed by the first housing (as recited in Claim 14), as seen in Figure 1;**

- **the AC connector including prongs (as recited in Claim 16),**  
Figure 1, reference number 79;
- **the prongs extending from the first housing (as recited in**  
**Claim 16),** as seen in Figure 4;
- **the converter circuitry including a wall cube (as recited in**  
**Claim 17),** as seen in Figure 1.

8. WERNER discloses all the limitations of the claims, except the AC-to-DC converter being disposed within a the second housing (as recited in Claim 14), or the second housing meeting the UL Standard 1310 (as recited in Claim 18) or UL Standard 94 V1 (as recited in Claim 19).

9. It would have been obvious to one of ordinary skill in the art at the time the invention was made to disposed the AC-to-DC converter of WERNER within a single housing (as recited in Claim 14), since it has been held that forming in one piece a structure which has formerly been formed in two, or more pieces, involves only routine skill in the art. *In re Larson*, 144 USPQ 347, 349 (CCPA 1965). In this case, forming the AC-to-DC converter second and third housings into a single housing would have flown naturally to one of ordinary skill in the art to reduce costs and simplify the assembly of the patented illumination device of WERNER.

10. Regarding claims 18 and 19, it would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to have the second housing satisfy the requirements of UL Standard 1310 (as recited in Claim 18), or UL Standard 94 V1

(as recited in Claim 19), since satisfying the operational and/or regulatory requirements of a particular application would have flowed naturally to one of ordinary skill in the art.

11. Claims 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over WERNER (U.S. Pat. 2,628,339) in view of ZELLER (U.S. Pat. 6,260,985).

12. WERNER individually discloses, or suggests (as detailed in previous sections 7-9), an illumination device as claimed in independent Claim 14, such device further including:

- **a handle (as recited in Claim 20), Figure 1, reference number 11;**
- **the handle having first and second ends (as recited in Claim 20), as seen in Figure 1; and**
- **the light source being disposed on the handle (as recited in Claim 21), as seen in Figure 1.**

13. WERNER individually discloses, or suggests, all the limitations of the claims, except the handle being pivotally coupled to the first housing (as recited in Claim 20), such handle being pivotable between a raised position and a lowered position (as recited in Claim 20);

14. ZELLER discloses an illumination device having:

- **a first housing (as recited in Claim 14), Figure 1, reference number 14;**



- **a rechargeable power supply (as recited in Claim 14), column 4, lines 40-49;**
- **the power supply being disposed in the first housing (as recited in Claim 14), column 4, lines 40-49;**
- **a light source (as recited in Claim 14), as evidenced by column 3, lines 8-17;**
- **the light source being coupled to the power supply (as recited in Claim 14), inherent;**
- **a handle (as recited in Claim 20), Figure 1, reference number 16;**
- **the handle having a first end (as recited in Claim 20), Figure 1, reference number 22;**
- **the handle having a second end (as recited in Claim 20), Figure 1, reference number 20;**
- **the handle being pivotally coupled to the first housing (as recited in Claim 20), column 3, lines 9-12;**
- **the light source being disposed on the handle (as recited in Claim 21), as seen in Figure 1; and**
- **the handle being pivotable between a raised position and a lowered position (as recited in Claim 22), column 3, lines 9-15.**

15. It would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to add the pivotable handle of ZELLER to the illumination device of WERNER, to be able to redirect the light from the light source in any desired

direction independent of the housing, as per the teachings of ZELLER (see column 3, lines 9-18).

16. Claims 28 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over WERNER (U.S. Pat. 2,628,339).

17. WERNER discloses (as detailed in previous Section 5) all the limitations of the claims, except the second housing meeting the UL Standard 1310 (as recited in Claim 28) or UL Standard 94 V1 (as recited in Claim 29).

18. It would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to have the second housing satisfy the requirements of UL Standard 1310 (as recited in Claim 28), or UL Standard 94 V1 (as recited in Claim 29), since satisfying the operational and/or regulatory requirements of a particular application would have flown naturally to one of ordinary skill in the art.

19. Claims 30 and 33-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over WERNER (U.S. Pat. 2,628,339) in view of ZELLER (U.S. Pat. 6,260,985).

20. WERNER individually discloses (as detailed in previous Section 5), an illumination device as claimed in independent Claim 14, such device further including:

- **a handle (as recited in Claim 30), Figure 1, reference number 11;**

- **the handle having first and second ends (as recited in Claim 30), as seen in Figure 1;**
- **the light source being disposed on the handle (as recited in Claim 33), as seen in Figure 1;**
- **a switch (as recited in Claim 35), Figure 1, reference number 36;**
- **the switch being arranged in the handle (as recited in Claim 35), column 3, lines 43-55;**
- **the switch making and breaking a connection between the light source and the power supply (as recited in Claim 35), column 3, lines 42-49;**
- **a locking mechanism (as recited in Claim 36), as evidenced by Figure 1;**
- **the locking mechanism being disposed on the handle (as recited in Claim 36), as seen in Figure 1; and**
- **the locking mechanism being actuated by an user to lock the switch in an ON position (as recited in Claim 36), as evidenced by column 3, lines 42-49.**

21. WERNER individually discloses, or suggests, all the limitations of the claims, except the handle being pivotally coupled to the first housing (as recited in Claim 20), such handle being pivotable between a raised position and a lowered position (as recited in Claim 20);

22. ZELLER discloses an illumination device having:

- **a first housing (as recited in Claim 25), Figure 1, reference number 14;**
- **a rechargeable power supply (as recited in Claim 25), column 4, lines 40-49;**
- **the power supply being disposed in the first housing (as recited in Claim 25), column 4, lines 40-49;**
- **a light source (as recited in Claim 25), as evidenced by column 3, lines 8-17;**
- **the light source being coupled to the power supply (as recited in Claim 25), inherent;**
- **a handle (as recited in Claim 30), Figure 1, reference number 16;**
- **the handle having a first end (as recited in Claim 30), Figure 1, reference number 22;**
- **the handle having a second end (as recited in Claim 30), Figure 1, reference number 20;**
- **the handle being pivotally coupled to the first housing (as recited in Claim 30), column 3, lines 9-12;**
- **the handle being pivotable between a raised position and a lowered position (as recited in Claim 30), column 3, lines 9-15;**
- **the light source being disposed on the handle (as recited in Claim 33), as seen in Figure 1; and**

- **a second light source (as recited in Claim 34), Figure 23,**  
reference number 100;
- **the second light source being disposed in the first housing (as**  
**recited in Claim 34), as seen in Figure 23.**

23. It would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to add the pivotable handle of ZELLER to the illumination device of WERNER, to be able to redirect the light from the light source in any desired direction independent of the housing, as per the teachings of ZELLER (see column 3, lines 9-18).

24. In addition, it would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to add a second light source to the housing of WERNER (as recited in Claim 34), to increase the utility of the illumination device, as per the teachings of ZELLER.

25. Claims 31 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over WERNER (U.S. Pat. 2,628,339) in view of ZELLER (U.S. Pat. 6,260,985) as applied to claims 25 and 30 above, and further in view of YUEN (U.S. Pat. 6,789,924).

26. WERNER and ZELLER disclose individually, or suggest in combination, all the limitations of the claims (as detailed in sections 4, 5 and 19-24 of the instant Office Action) except:

- a lock (as recited in Claim 31);
- they lock being configured to lock the handle in at least one of the raised and lowered positions (as recited in Claim 31); and
- the lock having a spring lock mechanism (as recited in Claim 32).

27. YUEN discloses a mechanism for locking handles of illumination devices (Figure 6, reference number 50) in one of a plurality of operational positions, such locking mechanism being spring pressure mechanism (Figure 6, reference number 52).

28. It would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to use the locking mechanism of YUEN in the illumination device of WERNER and ZELLER, to be able to lock the handle in a desired position, as per the teachings of YUEN (see column 6, lines 32-49).

### ***Response to Arguments***

29. Applicant's arguments filed January 11, 2006 have been fully considered but they are not persuasive.

30. Regarding the Examiner's rejection of Claim 14 under 35 U.S.C. 35 U.S.C. 103(a) as being unpatentable over WERNER (U.S. Pat. 2,628,339), the applicant argues that the cited reference fails to disclose all the features of the claimed invention, specifically the second housing containing the AC-to-DC converter, such second housing being substantially enclosed by the first housing.

31. In response to applicant's arguments that WERNER (U.S. Pat. 2,628,339) failed to disclose individually, or suggest in combination, the second housing containing the AC-to-DC converter, such second housing being substantially enclosed by the first housing, the applicant is once again advised that it has been held by the courts that forming in one piece a structure which has formerly been formed in two, or more pieces, involves only routine skill in the art. *In re Larson*, 144 USPQ 347, 349 (CCPA 1965). As detailed in previous Section 9, forming the AC-to-DC converter second and third housings into a single housing would have flown naturally to one of ordinary skill in the art to reduce costs and simplify the assembly of the patented illumination device of WERNER.

32. Regarding the Examiner's rejection of Claim 25 under 35 U.S.C. 35 U.S.C. 102(b) as anticipated by WERNER (U.S. Pat. 2,628,339), the applicant argues that the cited reference fails to disclose all the features of the claimed invention, specifically the second housing containing the AC-to-DC converter, such second housing being substantially enclosed by the first housing.

33. In response to applicant's arguments that WERNER (U.S. Pat. 2,628,339) failed to disclose individually, or suggest in combination, the second housing containing the AC-to-DC adapter, such second housing being substantially enclosed by the first housing, the applicant is respectfully advised that while the claims of issued patents are interpreted in light of the specification, prosecution history, prior art and other claims,

this is not the mode of claim interpretation to be applied during examination. During examination, the claims must be interpreted as broadly as their terms reasonably allow. *In re American Academy of Science Tech Center*, 70 USPQ2d 1827 (Fed. Cir. May 13, 2004).

In this case, it is noted that the language of Claim 25 merely recites the converter circuitry, not the whole of the AC-to-DC adapter, to be contained within the second housing, such second housing being substantially enclosed by the first housing.

WERNER, as detailed in previous Section 5, clearly discloses a flashlight including a first housing (combination of elements 11, 14 and 75), such first housing enclosing an AC-to-DC adapter formed by transformer 80 and converter circuitry 81 (as admitted by the applicant), such transformer and rectifier circuitry being contained in separate enclosures (as seen in Figure 1). The converter circuit housing (i.e. the second housing) is substantially enclosed by the first housing. While it is true that part of the AC-to-DC adapter (i.e. the transformer 80) is not contained by the second housing, Claim 25 does not requires it to be (as opposed to Claim 14 which defines the complete AC-to-DC converter as contained within the second housing).

34. Regarding the Examiner's rejection of claims 16-22, the applicant present no arguments, except stating that such claims depend directly or indirectly from independent Claim 14, and would be allowable when/if the independent claim is allowed.



35. Regarding the Examiner's rejection of claims 27-36, the applicant present no arguments, except stating that such claims depend directly or indirectly from independent Claim 25, and would be allowable when/if the independent claim is allowed.

### ***Conclusion***


36. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

37. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

38. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ismael Negron whose telephone number is (571) 272-2376. The examiner can normally be reached on Monday-Friday from 9:00 A.M. to 6:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra L. O'Shea, can be reached at (571) 272-2378. The facsimile machine number for the Art Group is (571) 273-8300.

39. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, go to <http://pair-direct.uspto.gov>. Should you have questions on access to Private PAIR system, contact the Electronic Business Center (EBC) toll-free at 866-217-9197.



Sandra O'Shea  
Supervisory Patent Examiner  
Technology Center 2800



Ismael Negrón  
Examiner  
AU 2875